REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In response to the Restriction Requirement, Applicants hereby elect the claims of Group II (including claims 3-7, 9, 11, and 46-51), drawn to polynucleotides and host cells of the invention, and to methods of making a polypeptide, with traverse.

Claims directed to methods of using the claimed polynucleotides for detecting a target polynucleotide by hybridization or PCR (i.e., claims 13-15), for screening a compound for effectiveness in altering expression of a polynucleotide (i.e., claim 27), and for assessing toxicity of a test compound (i.e., claim 28), could and should be examined together with the product claims from which they depend, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Applicants presume these method claims will be rejoined, upon determining allowability of the product claims from which they depend.

It is also submitted that claims 1 and 2, drawn to polypeptides of the invention, could be examined along with the polynucleotide claims without undue burden on the Examiner. A search for prior art to determine the novelty of the polynucleotides would substantially overlap with a search of the prior art to determine the novelty of the polypeptides encoded by the polynucleotides.

Applicants reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 621-8581.

If the USPTO determines that any additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108.**

Respectfully submitted,

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Date: Sept. 17, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 3, 4, 9, 27, and 51 have been amended as follows:

1. (Once Amended) An isolated polypeptide encoded by a polynucleotide of claim 3 [selected from the group consisting of:

a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,

b) a polypeptide comprising a naturally occurring amino acid sequence at least 98% identical to the amino acid sequence of SEQ ID NO:1,

c) a biologically active fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, and

d) an immunogenic fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1].

3. (Once Amended) An isolated polynucleotide encoding a polypeptide selected from the group consisting of [claim 1] :

a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,

b) a polypeptide comprising a naturally occurring amino acid sequence at least 98% identical to the amino acid sequence of SEQ ID NO:1,

c) a fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, wherein said fragment has cytochrome P450 activity, and

d) an immunogenic fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1.

4. (Once Amended) An isolated polynucleotide of claim 3, encoding a polypeptide consisting of the amino acid sequence of SEQ ID NO:1 [of claim 2].

9. (Once Amended) A method for producing a polypeptide encoded by a polynucleotide of claim [1] 3, the method comprising:

a) culturing a cell under conditions suitable for expression of the polypeptide, wherein said cell is transformed with a recombinant polynucleotide, and said recombinant polynucleotide comprises a promoter sequence operably linked to a polynucleotide [encoding the polypeptide] of claim [1] 3, and

b) recovering the polypeptide so expressed.

27. (Once Amended) A method for screening a compound for effectiveness in altering expression of a target polynucleotide, wherein said target polynucleotide comprises a sequence of claim [5] 47, the method comprising:

a) exposing a sample comprising the target polynucleotide to a compound, under conditions suitable for the expression of the target polynucleotide,

b) detecting altered expression of the target polynucleotide, and

c) comparing the expression of the target polynucleotide in the presence of varying amounts of the compound and in the absence of the compound.

51. (Once Amended) An isolated polynucleotide comprising at least 750 contiguous nucleotides of a polynucleotide selected from the group consisting of [claim 5] :

a) a polynucleotide consisting of the polynucleotide sequence of SEQ ID NO:2,

b) a polynucleotide complementary to the polynucleotide of a), and

c) an RNA equivalent of a)-b).